



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 070639/0132

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Applicant: Yuichi KUSUMOTO

Title: SYSTEM AND METHOD OF AVOIDING CELL DISPOSAL IN
BUFFER

Serial No.: 09/718,378

Filed: November 24, 2000

Examiner: Unknown

Art Unit: 2661

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TC 2600

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith are additional comments from a foreign patent examiner for a counterpart Japanese patent application. No references are being submitted with this IDS, since the additional comments from the foreign patent examiner relate to the references submitted via an IDS, on July 29, 2003.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and in that case the PTO is authorized to obtain the requisite fee from Foley & Lardner Deposit Account #19-0741.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued October 21, 2003 with respect to a counterpart Japanese patent application is provided below.

“(Claims 1–22)

In the written opinion dated 8/4/2003, the applicant makes the assertion that the differences between the present invention, Cited Example 1 (Japanese Unexamined Patent Application Publication H11–275112), and Cited Example 2 (Japanese Unexamined Patent Application Publication H7–79252), indicated in the preliminary Notification of Reasons for Rejection, are the following:

(1) In Cited Example 1, there is the point that, simply because the queue with the highest weighting value takes priority, there is no opportunity for a queue with a low weighting value to be sent until its weighting value increases, so, over all, it essentially cannot be sent when there is any high amount of traffic; and

(2) In Cited Example 2, because the output from buffers wherein the queue length is longer than a specific threshold value takes priority, when one considers the presence of multiple buffers exceeding the threshold value when, over all, there is a high amount of traffic, only those buffers that exceed the threshold value can be outputted, and so the buffers that do not exceed the threshold value cannot be outputted until they exceed the threshold value.

Let us consider the Point of Difference (1). As indicated in the Preliminary Notification of Reasons for Rejection, Cited

Example 1 describes increasing the number of opportunities for sending memory cells from queues wherein the queue length is long (corresponding, in the present application, to increasing the "read speed") by dynamically changing the weighting value (corresponding to the "weighting" in the present application) based on the individual queue lengths. In addition, paragraph 0024 describes the approach where, for classes wherein the weighting value is low, the opportunity for cell transmission will be reduced. Consequently, even in Cited Example 1, many cell transmission opportunities are given to queues wherein the weighting values are high, and few cell transmission opportunities are given to queues wherein the weighting values are low, and while the readout speed is reduced even for those queues wherein the weighting values are low, the cell transmission is recognized as being certain. (Note that, when it comes to this point, when it comes to the description in Paragraph 0002 of Cited Example 1, this is obvious from the fact that the WRR method is a scheduling method that is able to ensure the lowest guaranteed band relative to the individual weighting rows and columns.)

Let us consider the Point of Difference (2). As asserted by the applicant, in Cited Example 2, cells from buffers wherein the queue length exceeds a threshold value are outputted with a fixed priority, and buffers that do not exceed the threshold value cannot be outputted until they exceed the threshold value. However, Cited Example 2 and the present application are the same in the point that the cells from buffers wherein the queue lengths exceed the threshold value will be outputted with priority, and so, as a method for priority control, the fixed priority method, such as in Cited Example 2, and the method wherein the ratio of reading cells from each of the queues varies for each priority level, such as in Cited Example 1 and the present invention, are both well-known, and thus no particular difficulty is required in structuring the device, in Cited Example 1, based on the description in Cited Example 2, so as to increase the number of opportunities for sending cells by increasing the weighting values of buffers wherein the queue length exceeds the threshold.

Consequently, the assertions of the applicant cannot be used, and, as before, the inventions according to Claims 1 through 22 of the present application could have been envisioned with ease by individuals in the industry based on Cited Example 1 and Cited Example 2."

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

November 26, 2003
Date

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